

# ARKANSAS SUPREME COURT

No. CR 09-58

RICKEY L. STRICKLAND  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered April 16, 2009

PRO SE MOTION FOR RULE ON  
CLERK [CIRCUIT COURT OF  
CALHOUN COUNTY, CR 2007-16, CR  
2008-1, HON. CAROL C. ANTHONY,  
JUDGE]

MOTION DENIED.

## PER CURIAM

A judgment entered in 2007 reflects that petitioner Rickey L. Strickland, also known as Ricky L. Strickland, entered negotiated pleas of guilty to a number of criminal charges and received an aggregate sentence of 120 months' imprisonment on those charges in case number CR 2007-16 in Calhoun County Circuit Court. A second judgment, entered June 5, 2008, indicates petitioner pleaded guilty in the same court to delivery of a controlled substance in case number CR 2008-1 and received a sentence of 120 months' imprisonment, with sixty months' suspended imposition of sentence, and five years of the sentence to be served consecutively to the previous sentence. On June 27, 2008, petitioner filed in the trial court a pro se motion for concurrent sentencing concerning the two judgments that was denied.

On July 24, 2008, petitioner filed in the trial court a notice of appeal as to the order. On November 26, 2008, petitioner tendered the record to this court. Our clerk declined to lodge the record because it was tendered outside of the ninety-day limit set in Arkansas Rule of Appellate Procedure--Civil 5(a), as applied through Arkansas Rule of Appellate Procedure--Criminal 4(a).

Petitioner has filed in this court a pro se motion for rule on clerk, seeking to proceed with the appeal, in which he asserts that the record was tendered late because the circuit clerk did not make the record available to him in a timely manner.

It is not, however, the duty of the circuit clerk, or the responsibility of anyone other than the petitioner, to perfect an appeal. *See Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (per curiam); *Bragg v. State*, 297 Ark. 348, 760 S.W.2d 878 (1988) (per curiam). All litigants, including those who proceed pro se, must bear responsibility for conforming to the rules of procedure or demonstrating a good cause for not doing so. *Peterson v. State*, 289 Ark. 452, 711 S.W.2d 830 (1986) (per curiam); *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (per curiam); *Thompson v. State*, 280 Ark. 163, 655 S.W.2d 424 (1983) (per curiam); *see also Tarry v. State*, 353 Ark. 158, 114 S.W.3d 161 (2003) (per curiam). Because petitioner has stated no good cause for the failure to comply with our rules and timely lodge the record, we deny his motion.

Motion denied.